

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

UNITED STATES OF AMERICA

VS.

PATRICK DEWAYNE JORDAN,  
Defendant

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CRIMINAL NO. G-13-8

(Judge Gregg Costa)

I. **GOVERNMENT'S RESPONSE UNDER LOCAL RULE 32.6**

The United States of America, by and through Kenneth Magidson, United States Attorney, and Ralph E. Imperato, Assistant United States Attorney, for the Southern District of Texas, responds as follows:

The Government takes no issue with the factual content of the presentence investigation report and believes it is accurate.

The Government has no objection to the conclusions reached in the report. The Government does not object to the Guideline computation reached in the presentence report.

II. **GOVERNMENT'S RESPONSE TO DEFENDANT'S OBJECTIONS**

A. The Defendant objects to paragraphs 37 and 38 of the PSR and argues that the Court should not consider two arrests that were ultimately dismissed by the state prosecutor. While this information has no impact on the guideline range, it should remain in the PSR pursuant to U.S.S.G. Section 6A1.3.

B. The Defendant objects to paragraphs 35 and 36 of the PSR and argues the one point for a Possession of Marijuana conviction from 2012 should not be included in the Criminal History Computation. The Defendant requests his criminal history category move down to a category III from a category IV.

The Government contends that the criminal history category was correctly assessed in the PSR. Pursuant to U.S.S.G. §4A1.1( c), one point is added for each prior sentence not counted under §4A1.2(a) or (b). Section 4A1.2 Commentary Note 3 lists certain prior sentences that should not be counted, however, this conviction does not fall within any of those categories. Therefore, the one point should be included and the Defendant's Criminal History category should remain IV.

Respectfully submitted,

KENNETH MAGIDSON  
United States Attorney

By: S:\ Ralph E. Imperato  
Ralph E. Imperato  
Assistant United States Attorney  
1000 Louisiana Street, Suite 2300  
Houston, Texas 77002

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been emailed to Jeth Jones, counsel of record for the defendant.

S:\ Ralph E. Imperato  
Ralph E. Imperato  
Assistant United States Attorney

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**ORDER**

The Court, having considered the Defendant's Objections to the PSR and the Government's Response, hereby ORDERS that the Defendant's Objections be OVERRULED.

Signed on this the \_\_\_\_ day of \_\_\_\_\_, 2013.

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GREGG COSTA  
UNITED STATES DISTRICT JUDGE